

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	No. 4:17 CR 00404 HEA
)	
MICHAEL GRADY, et. al.,)	
Defendant.)	

**DEFENDANT MICHAEL GRADY’S MOTION TO COMPELL PRODUCTION
OF CELLULAR TELEPHONE DATA.**

NOW COMES Defendant, MICHAEL GRADY, by and through his attorney, QUINN A. MICHAELIS, pursuant to Rule 16(a)(1)(E), and *Brady v. Maryland*, 373 U.S. 83 (1963), respectfully requests this Court enter an Order requiring the government to produce data relating to Mr. Grady’s cellular telephones. The defense seeks this information because it is material to the preparation of the defense and is exculpatory.

Mr. Grady further requests that this information be produced *instanter*. Pretrial motions are currently due on or before August 28, 2017. The information requested is necessary to ensure that Mr. Grady can prepare and file the appropriate pretrial motions. In support of this motion, Mr. Grady states as follows:

1. Federal Rule of Criminal Procedure (16)(a)(1)(E) requires the government to disclose certain information upon a defendant’s request, including books, papers, documents, data, photographs, tangible objects, buildings or places if the item is within the government’s possession, custody and control and:
 - (i) the item is material to preparing the defense;
 - (ii) the government intends to use the item in its case-in-chief at trial; or

(iii) the item was obtained from or belongs to the defendant.

2. Pursuant to the United States Supreme Court decisions in *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972), the government is required to disclose exculpatory material and information that is impeaching to its own witnesses. With respect to the governments obligation under *Brady*,

3. The defense requests the Court to order the government produce the following information:

- a. Information regarding the cell site simulator and records and information relating to the telephones used by Michael Grady for 45 days before February 5, 2016 through March 20, 2016 and 45 days after.
- b. Information regarding a cell site simulator and records and information relating to the telephones used by Michael Grady for 45 days before May 5, 2016 through June 18, 2016 and 45 days after.
- c. Pen register and trap and trace information from May 13, 2016 through July 11, 2016 for a device with the IMSI number 310260793217031.
- d. Pen register and trap and trace information from March 8, 2016 through May 6, 2016 for a device with the IMSI number 310410814960481
- e. Pen register and trap and trace information from May 13, 2016 through July 11, 2016 for a device with the IMSO number 310410814960481.
- f. Pen Register and trap and trace information from May 13, 2016 through July 11, 2016 for a device with the MEID number 268435459915091556.
- g. Record and location information, including precision location information, cell site location information and other signaling information for telephone

number (314)766-2083 for 45 days before February 5, 2016 through March 20, 2016 and 45 days after.

h. Record and location information, including precision location information, cell site location information and other signaling information for telephone number (314)766-2083 for 45 days before May 5, 2016 through June 19, 2016 and 45 days after.

4. Defense counsel provided notice to the government that they had not received the above requested information in *Michael Grady's Memorandum in Support* filed at docket 1067. Defense counsel requested from the government the above listed information via email on August 16, 2017, and via formal letter on August 21, 2017. As of the filing of this motion, counsel has not received the requested information.

WHEREFORE, the Defendant respectfully requests an Order directing the government to immediately disclose cellular telephone data relating to Michael Grady.

Respectfully submitted,

/s/Quinn A. Michaelis

Quinn A. Michaelis
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CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2017, I electronically filed the above
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with the Clerk of Court using the CM/ECF system to all listed parties in the case.

Respectfully Submitted on August 20, 2017.

By His Attorney,

s/ Quinn A. Michaelis

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